

Application No. 10/719,318
Request for Continued Examination

REMARKS

Claims 2–25 are pending and were rejected for obviousness over various proposed combinations of references. Specifically, claims 2–4, 7–13, 16–19 and 22–25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,617,539 to Ludwig, et al. (“Ludwig”) in view of U.S. Patent 6,373,841 to Goh, et al. (“Goh”). Claims 5–6, 14–15 and 20–21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ludwig, in view of Goh and further in view of U.S. Patent 6,108,687 to Craig (“Craig”). Reconsideration and withdrawal of these rejections are requested for the reasons indicated below.

Claims 18, 24, and 25 have been amended to correct minor typographical errors unrelated to the rejection of these claims.

Rejections Under § 103(a)

Each of pending claims 2–25 was rejected under § 103(a) in view of various combinations of Ludwig, Goh, and Craig. For purposes of the following analysis, we will address only independent claims. Because each of the remaining claims depends from one of these independent claims, they are necessarily allowable for at least the reasons discussed below.

Throughout prosecution, Examiner has conceded that “Ludwig differs from the claimed invention in not specifically teaching a web server embedded within the personal computer....” A videoconferencing unit having an embedded web server is common to each of the independent claims, although the various claims recite different web server configurations. With regard to the pending independent claims, Examiner relies upon Goh to supply the missing web server limitation. However, Examiner has failed to establish a *prima facie* case of obviousness, and thus Examiner’s reliance upon this combination of references is improper.

A *prima facie* case of obviousness requires three things: (1) suggestion or motivation to combine the references, (2) reasonable expectation of success, and (3) teaching of each limitation of the claim within the proposed combination of references. *See* MPEP § 2142. Examiner’s obviousness rejection fails both the first and third

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requirements. There is no suggestion or motivation to combine the references, and, even if it were proper to combine the references, the combination still fails to teach every element of the claimed inventions.

As noted in Applicant's earlier response, Ludwig teaches that "attempt[ing] to add computing capabilities to a videoconferencing system ... do[es] not provide the capabilities required for maximally effective collaboration, and [is] not cost-effective." Ludwig at col. 2, ll. 25-39. Rather than adding computing capabilities to a videoconferencing unit, Ludwig proposes a collaborative media workstation "CMW", which, is disclosed as a computer workstation, such as those running typical desktop operating systems. *See, e.g.*, Ludwig at col. 6, ll. 22-25. In essence, Ludwig teaches adding videoconferencing capabilities to a conventional computer workstation, while clearly teaching away from "add[ing] computing capabilities to a videoconferencing system." Therefore, Examiner's proposed combination of Goh, which teaches a form of embedded web server, with Ludwig, to reject the videoconferencing unit described and claimed herein is improper. The addition of additional computing capabilities, *e.g.*, the embedded web server of Goh, to a videoconferencing unit is contrary to the teaching of Ludwig.

The Examiner has contended that because the cited portions of Ludwig are in the section of the Ludwig patent labeled "Background of the Invention," these portions do not teach away from the proposed combination. However, Examiner's contention is unsupported in the patent statute, rules, or case law. The location within Ludwig's specification of the teaching away from the combination proposed by the Examiner is irrelevant.

Furthermore, Examiner's contention that "one skilled in the art would recognize Ludwig teaching to add computing capabilities to a videoconferencing system" is untenable. Ludwig, taken in its entirety, teaches that adding videoconferencing capabilities to existing general purpose workstations is preferable to adding computing capabilities to a videoconferencing unit. Therefore, one skilled in the art would understand Ludwig to teach *away from* adding computing capabilities, such as an embedded web server as disclosed in Goh, to a videoconferencing unit. Thus, one skilled

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in the art would not be motivated to combine Goh, which appears to teach an integrated LAN controller and web server, with Ludwig.

Moreover, even if the proposed combination of Ludwig and Goh was proper, it does not disclose every limitation of the pending independent claims.

For example, claim 2 requires “a web server embedded within the videoconferencing unit ... for transmitting a web page ..., *wherein the web page allows the user to select a file for broadcast to the videoconferencing unit or allows the user to view a file being transmitted by the videoconferencing unit.*” Neither Ludwig nor Goh teaches an embedded web server that transmits a web page allowing a user “to select a file for broadcast” or “view a file being transmitted by the videoconferencing unit.” As Examiner has conceded, Ludwig contains no teaching at all concerning an embedded web server. While Goh does disclose an embedded web server, Goh does not teach or suggest that this web server presents a web page that allows selection of a file for broadcast to a videoconferencing unit or view a file being transmitted by the videoconferencing unit. Goh merely teaches that the web server can be used as an interface for various computer-oriented management tasks, such as retrieving information about the cause of a crash, rebooting the computer, communicating with power supply and fan controllers, retrieving operating parameters such as temperatures and processor utilization, etc. None of these activities bear any resemblance of selecting a file for broadcast to the videoconferencing unit or viewing a file being transmitted by the videoconferencing unit. Because Ludwig and Goh fail to teach or suggest this limitation of claim 2, claim 2 is allowable over the combination proposed.

Similarly, claim 9 requires, among other things, “a web server embedded within the videoconferencing unit ... for transmitting a web page ..., wherein the web page allows the user to perform diagnostic testing on the videoconferencing unit.” Ludwig and Goh, separately or in combination, fail to teach or suggest this limitation of claim 9. As the Examiner has conceded, Ludwig contains no teaching whatsoever of an embedded web server. As noted above, the web server of Goh is configured for various general purpose computer management tasks, such as retrieving information about the cause of a crash, rebooting the computer, communicating with power supply and fan controllers,

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retrieving operating parameters such as temperatures and processor utilization, etc. This mere retrieval of information stored elsewhere in the computer system is substantially different from “allow[ing] the user to perform diagnostic testing on the videoconferencing unit,” which, as illustrated by the examples in Applicant’s specification, includes activities such as testing audio components, testing near and far end communications loops, etc. It is not intended that the claim be limited only to the particular diagnostic tests disclosed, but should include any tests that relate to the videoconferencing functionality of the unit, not mere retrieval of rudimentary computer data. Goh contains no teaching or suggestion of such higher level diagnostic testing.

In short, Goh contains no teaching or suggestion of a web server that serves web pages that allow a user “to perform *diagnostic testing on the videoconferencing unit*.” Therefore Goh fails to supply the limitations of claim 9 missing from Ludwig, and rejection of claim 9 over the combination of Ludwig and Goh is inappropriate.

Finally, claim 10 requires, among other things, “a web server embedded within the videoconferencing unit ... for transmitting a web page ..., wherein the web page allows the user to modify configuration parameters of the videoconferencing unit.” Ludwig and Goh, separately or in combination, fail to teach or suggest this limitation. Examiner has already conceded that Ludwig contains no teaching or suggestion of an embedded web server of any type. As noted above, the embedded web server disclosed in Goh is available merely to retrieve computer management information about the cause of a crash, reboot the computer, communicate with power supply and fan controllers, retrieve operating parameters such as temperatures and processor utilization, etc. Additionally, Goh teaches that the web server can perform rudimentary management functions such as controlling the fan speed of a computer. However, Goh contains no teaching or suggestion of “modify[ing] configuration parameters of the videoconferencing unit,” which, as indicated by Applicant’s specification, includes, for example, system name, country, ISDN numbers, ISDN switch, and auto-answer status. It is not intended that the limitation in question be limited solely to the particular parameters identified, but any configuration parameters of a videoconferencing unit,

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which does not include such rudimentary tasks as fan speed, etc., as disclosed by Goh. Goh contains no teaching or suggestion of any such higher level functionality.

In short, Goh contains no teaching or suggestion of a web server that serves web pages that allow a user “to modify *configuration parameters of the videoconferencing unit.*” Therefore Goh fails to supply the limitations of claim 10 missing from Ludwig, and rejection of claim 10 over the combination of Ludwig and Goh is inappropriate.

Examiner noted that remaining independent claims 11 and 18 were rejected for the same reasons set forth in claim 2. Examiner further noted that independent claims 24 and 25 were rejected for the same reasons as claims 9 and 10, respectively. Each of these independent method claims includes an embedded web server limitation similar to the embedded web server limitation in the corresponding apparatus claim identified by Examiner. Therefore these claims are allowable for at least the reasons discussed above. Reconsideration and withdrawal of the rejection of claims 11, 18, 24, and 25 is therefore requested.

Examiner’s rejection of claims 5–6, 14–15, and 20–21 is based on Ludwig and Goh in further view of Craig. However, each of these claims depends from one of the independent claims identified above, which, as noted, are allowable. Therefore each of these claims is further allowable.

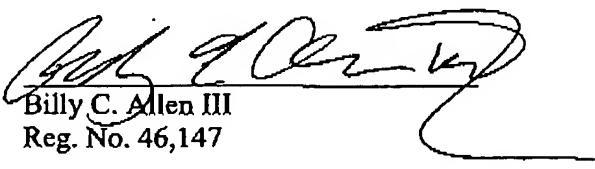
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Based upon the remarks herein, allowance of all pending claims is requested.

Respectfully submitted,

May 10, 2005

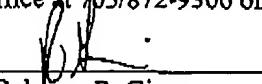

Billy C. Allen III
Reg. No. 46,147

Wong, Cabello, Lutsch,
Rutherford & Bruculeri, L.L.P.
20333 State Hwy 249, Suite 600
Houston, TX 77070
Phone: 832-446-2400
Fax: 832-446-2424

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Rebecca R. Ginn